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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/767,558 01/22/01 MELLUCH T ALT-5612 CON

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| <input type="checkbox"/> | <input type="checkbox"/> | EXAMINER |
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IM22/0620

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FORTUNA, A
ART UNIT PAPER NUMBER

1723
DATE MAILED:
06/20/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | |
|-------------------------------|------------------------------|
| Application No. 09/767,558 | Applicant(s) Meluch et al |
| Examiner Ana Fortuna | Art Unit 1723 |



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Jan 22, 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) Other: _____

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-14, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pemawansa (5,279,739)('739). Reference '739 discloses the claimed polysulfone membrane having uniform structure and made from a mixture containing a solvent for the polysulfone e.g. polyarylether sulfone, polysulfone, polyether sulfone (abstract, column 3, lines 43-68, column 4, and column 6, lines 1-22). Regarding to claims 5, and 16-17, the membrane made including mixtures of solvent and non-solvents or pore formers is also disclosed (column 5, lines 25-67). As to claims 4, 12, 13, 14, 16, directed to the membrane made of specific list of solvents, the solvent is disclosed by reference '739, e.g. sulfolane (tetramethylene sulfone) (column 5, lines 59-61). Regarding claims 6, 18, reference '739 discloses the non-solvent (or pore former) as part of the membrane making mixture, e.g. ethylene glycol (column 5, lines 61-67). Regarding claims 10-11, the composition is also disclosed (column 5, lines 25-50).

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Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

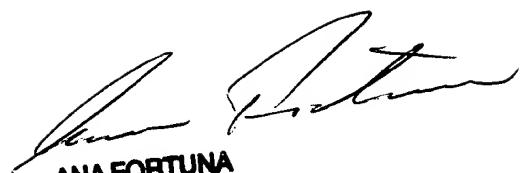
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 15, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pemawansa (5,279,739)(‘739). Reference ‘739 discussed in the paragraph above discloses the solvents and non solvent of the polysulfone, the ratio of solvent to non-solvent is not disclosed, however, adding from 1 to 10 % or ethylene glycol or pore former (non-solvent), and modifying the amount depending on the final pore desired in the membrane is disclosed. Therefore, adjusting the polymer mixture viscosity by adjusting the amount of solvent, and adjusting the ratio to obtaining a desire pore size it would have been obvious to one skilled in the art. As to claim 9, the use of bisphenol A polysulfone as equivalent to polysulfone is admitted by Applicant in claim 8.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana Fortuna whose telephone number is (703) 308-3857. Facsimile No. (703)305-7718.

Application/Control Number: 09/767,558

Art Unit: 1723



ANA FORTUNA
PRIMARY EXAMINER

Ana Fortuna

June 17, 2001